



Entered on Docket
March 10, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
RIVIERA – HOMES FOR AMERICA
HOLDING LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Riviera – Homes for America Holding Loan (the "Objection") [DE 5621]. Adequate notice of the Objection was given. The Court heard the Objection on February 21, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Riviera – Homes for America Holding Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Riviera – Homes for America Holding Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

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John Hinderaker

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
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EXHIBIT A

HFA – Riviera
Second Omnibus Objection
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - Riviera Loan
10725-01808	Costanza 1987 Decedent's Trust	c/o Sam Costanza Trustee 9809 Canterbury Rose Lane Las Vegas, NV 89134-5913	575,000.00	50,000.00
10725-00377	Andrew W. and Doreen W. Marchuk	325 Marche Chase Drive Apt 138 Eugene, OR 97401-8894	75,000.00	25,000.00
10725-02305	Erven J. and Frankie J. Nelson Trust	Erven J. and Frankie J. Nelson TTEES 2023 W. Aspiration Point St. George, UT 84790	450,000.00	25,000.00
10725-02121	Olga O'Buch Trust DTD 5/28/98	Olga O'Buch TTEE 140 Gazelle Rd Reno, NV 89511-6642	253,701.76	25,000.00
10725-02000	Robert L. Ogren Trust Dtd. 6/30/92	Robert L. Orgren Trustee 3768 Rick Stratton Drive Las Vegas, NV 89120	913,741.57	40,000.00
10725-01865	Adrian Oosthuizen, Jr.	5860 Lausanne Drive Reno, NV 89511	1,355,647.65	25,000.00
10725-00137	Tim and Kathleen Partch	Joshua D. Brysk, Esq. Law Offices of James G. Schwartz 7901 Stoneridge Drive, Suite 401 Pleasanton, CA 94583	100,000.00	50,000.00